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FILED

OCT 31 2007

**Board of Vocational Nursing
and Psychiatric Technicians**

9 **BEFORE THE**
10 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. VN-2004-1446

13 **SANDRA OVERTON**
1717 Shady Hollow Court
14 Merced, California 95340

A C C U S A T I O N

15 Vocational Nurse License No. VN 201088

16 Respondent.

17
18 Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"),
22 Department of Consumer Affairs.

23 **Vocational Nurse License**

24 2. On or about September 16, 2002, the Board issued Vocational Nurse
25 License Number VN 201088 to Sandra Overton ("Respondent"). The vocational nurse license
26 was in full force and effect at all times relevant to the charges brought herein and will expire on
27 October 31, 2008, unless renewed.

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STATUTORY PROVISIONS

3. Section 2875 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing Practice Act.

4. Code section 118, subdivision (b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

5. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)) for any of the following:

(a) Unprofessional conduct. . . .,

6. Code section 2878.5 states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or administer to another, any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022.

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to narcotics or dangerous drugs as specified in subdivision (b).

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **Anberry Rehabilitation Hospital, Atwater, California**

2 d. From approximately December 5, 2005, through December 10, 2005,
3 Respondent obtained Vicodin and Norco, both controlled substances, by fraud, deceit or
4 subterfuge by taking the drugs from hospital supplies, in violation of Health and Safety Code
5 section 11173, subdivision (a). By her own admission, Respondent obtained the drugs for her
6 own use by signing the drugs out of the Controlled Drug Record for the patients set forth in
7 paragraph 10, below; however, Respondent signed the drugs out using the initials of other nurses.

8 e. From approximately December 5, 2005, through December 10, 2005,
9 Respondent possessed Vicodin and Norco, both controlled substances, in violation of Code
10 section 4060.

11 f. From approximately December 5, 2005, through December 10, 2005,
12 Respondent self-administered Vicodin and Norco, both controlled substances.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Falsify, Make Incorrect, Inconsistent, or Unintelligible Entries**
15 **In Patient/Hospital Records)**

16 10. Respondent is subject to discipline under Code section 2878, subdivision
17 (a), on the grounds of unprofessional conduct, as defined in Code section 2878.5, subdivision (e),
18 in that Respondent falsified, made incorrect, inconsistent or unintelligible entries in
19 patient/hospital records, as follows:

20 **Resident A**

21 a. On December 7, 2005, at 0600 hours, Respondent signed out from the
22 Controlled Drug Record 1 tablet of Vicodin 5/500 for this patient by using the initials of S.S.,
23 another nurse. Respondent failed to chart the administration or wastage or otherwise account for
24 the disposition of the Vicodin tablet in any patient or hospital record.

25 b. On December 7, 2005, at 1200 hours, Respondent signed out from the
26 Controlled Drug Record 1 tablet of Vicodin 5/500 for this patient by using the initials of S.S.,
27 another nurse. Respondent failed to chart the administration, wastage or otherwise account for
28 the disposition of the Vicodin tablet in any patient or hospital record.

1 c. On December 7, 2005, at 1700 hours, Respondent signed out from the
2 Controlled Drug Record 1 tablet of Vicodin 5/500 for this patient; however, Respondent failed
3 to chart the administration, wastage or otherwise account for the disposition of the Vicodin tablet
4 in any patient or hospital record.

5 d. On December 7, 2005, at 2130 hours, Respondent signed out from the
6 Controlled Drug Record 1 tablet of Vicodin 5/500 for this patient; however, Respondent failed to
7 chart the administration, wastage or otherwise account for the disposition of the Vicodin tablet in
8 any patient or hospital record.

9 e. On December 8, 2005, at 0800 hours, Respondent signed out from the
10 Controlled Drug Record 1 tablet of Vicodin 5/500 for this patient by using the initials of T.B.,
11 another nurse. Respondent failed to chart the administration, wastage or otherwise account for
12 the disposition of the Vicodin tablet in any patient or hospital record.

13 f. On December 8, 2005, at 1400 hours, Respondent signed out from the
14 Controlled Drug Record 1 tablet of Vicodin 5/500 for this patient by using the initials of T.B.,
15 another nurse. Respondent failed to chart the administration, wastage or otherwise account for
16 the disposition of the Vicodin tablet in any patient or hospital record.

17 g. On December 9, 2005, at 0900 hours, Respondent signed out from the
18 Controlled Drug Record 1 tablet of Vicodin 5/500 for this patient; however, Respondent failed to
19 chart the administration, wastage or otherwise account for the disposition of the Vicodin tablet in
20 any patient or hospital record.

21 h. On December 9, 2005, at 1500 hours, Respondent signed out from the
22 Controlled Drug Record 1 tablet of Vicodin 5/500 for this patient; however, Respondent failed to
23 chart the administration, wastage or otherwise account for the disposition of the Vicodin tablet in
24 any patient or hospital record.

25 i. On December 9, 2005, at 2100 hours, Respondent signed out from the
26 Controlled Drug Record 1 tablet of Vicodin 5/500 for this patient; however, Respondent failed to
27 chart the administration, wastage or otherwise account for the disposition of the Vicodin tablet in
28 any patient or hospital record.

1 j. On December 10, 2005, at 0700 hours, Respondent signed out from the
2 Controlled Drug Record 1 tablet of Vicodin 5/500 for this patient by using the initials of T.B.,
3 another nurse. Respondent failed to chart the administration, wastage or otherwise account for
4 the disposition of the Vicodin tablet in any patient or hospital record.

5 k. On December 10, 2005, at 1200 hours, Respondent signed out from the
6 Controlled Drug Record 1 tablet of Vicodin 5/500 for this patient by using the initials of T.B.,
7 another nurse. Respondent failed to chart the administration, wastage or otherwise account for
8 the disposition of the Vicodin tablet in any patient or hospital record.

9 l. On December 10, 2005, at 1700 hours, Respondent signed out from the
10 Controlled Drug Record 1 tablet of Vicodin 5/500 for this patient; however, Respondent failed to
11 chart the administration, wastage or otherwise account for the disposition of the Vicodin tablet in
12 any patient or hospital record.

13 m. On December 10, 2005, at 2130 hours, Respondent signed out from the
14 Controlled Drug Record 1 tablet of Vicodin 5/500 for this patient; however, Respondent failed to
15 chart the administration, wastage or otherwise account for the disposition of the Vicodin tablet in
16 any patient or hospital record.

17 **Resident B**

18 n. On December 9, 2005, at 1200 hours, Respondent signed out from the
19 Controlled Drug Record 2 tablets of Norco 10/325 for this patient by using the initials of T.B.,
20 another nurse. Respondent failed to chart the administration or wastage or otherwise account for
21 the disposition of the Norco tablets in any patient or hospital record.

22 o. On December 10, 2005, at 0930 hours, Respondent signed out from the
23 Controlled Drug Record 2 tablets of Norco 10/325 for this patient by using the initials of T.B.,
24 another nurse. Respondent failed to chart the administration or wastage or otherwise account for
25 the disposition of the Norco tablets in any patient or hospital record.

26 p. On December 10, 2005, at 1230 hours, Respondent signed out from the
27 Controlled Drug Record 2 tablets of Norco 10/325 for this patient by using the initials of T.B.,

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1 another nurse. Respondent failed to chart the administration or wastage or otherwise account for
2 the disposition of the Vicodin tablet in any patient or hospital record.

3 **Resident C**

4 q. On December 5, 2005, at 0830 hours, Respondent signed out from the
5 Controlled Drug Record 1 tablet of Norco 10/325 for this patient by using the initials of T.B.,
6 another nurse. Respondent failed to chart the administration or wastage or otherwise account for
7 the disposition of the Norco tablet in any patient or hospital record.

8 r. On December 5, 2005, at 1300 hours, Respondent signed out from the
9 Controlled Drug Record ½ tablet of Norco 10/325 for this patient by using the initials of T.B.,
10 another nurse. Respondent failed to chart the administration or wastage or otherwise account for
11 the disposition of the ½ Norco tablet in any patient or hospital record.

12 s. On December 6, 2005, at 0800 hours, Respondent signed out from the
13 Controlled Drug Record 1 tablet of Norco 10/325 for this patient. Respondent failed to chart the
14 administration or wastage or otherwise account for the disposition of the Norco tablet in any
15 patient or hospital record.

16 t. On December 7, 2005, at 0500 hours (time altered), Respondent signed out
17 from the Controlled Drug Record 1 tablet of Norco 10/325 for this patient by using the initials of
18 S.S., another nurse. Respondent failed to chart the administration or wastage or otherwise
19 account for the disposition of the Norco tablet in any patient or hospital record.

20 u. On December 7, 2005, at 0800 hours (time altered), Respondent signed out
21 from the Controlled Drug Record 1 tablet of Norco 10/325 for this patient by using the initials of
22 S.S., another nurse. Respondent failed to chart the administration or wastage or otherwise
23 account for the disposition of the Norco tablet in any patient or hospital record.

24 v. On December 7, 2005, at 1200 hours, Respondent signed out from the
25 Controlled Drug Record 1 tablet of Norco 10/325 for this patient by using the initials of S.S.,
26 another nurse. Respondent failed to chart the administration or wastage or otherwise account for
27 the disposition of the Norco tablet in any patient or hospital record.

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1 w. On December 7, 2005, at 1830 hours, Respondent signed out from the
2 Controlled Drug Record ½ tablet of Norco 10/325 for this patient. Respondent failed to chart
3 the administration or wastage or otherwise account for the disposition of the Norco tablet in any
4 patient or hospital record.

5 **PRAYER**


6 WHEREFORE, Complainant requests that a hearing be held on the matters herein
7 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
8 Technicians issue a decision:

9 1. Revoking or suspending Vocational Nurse License Number VN 201088,
10 issued to Sandra Overton;

11 2. Ordering Sandra Overton to pay the Board of Vocational Nursing and
12 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
13 pursuant to Code section 125.3; and,

14 3. Taking such other and further action as deemed necessary and proper.
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16 DATED: October 31, 2007
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19 
20 TERESA BELLO-JONES, J.D., M.S.N., R.N.
21 Executive Officer
22 Board of Vocational Nursing and Psychiatric Technicians
23 Department of Consumer Affairs
24 State of California
25 Complainant
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